

ENVIRONMENTAL INFORMATION PACKET

for

The Hazard Mitigation Grant Program

Contained in this Packet are the following aid materials:

1. List of NEPA Acronyms
2. Frequently Asked Questions
3. HMGP VI Environmental Documents
4. Environmental Checklist
5. Environmental Agencies and Applicable Laws
6. Sample scoping letters

For more detailed environmental information go to :

<http://www.fema.gov/ehp/pdm.shtm>

List of NEPA Acronyms

APE	Area of Potential Effects
B/C	Benefit Cost ratio - dollar benefit for dollar spent
BA	Biological Assessment
BO	Biological Opinion
CATEX	Categorical Exclusion
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order (11988, 11990, 12898)
ESA	Endangered Species Act
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FMAP	Flood Mitigation Assistance Program
FONSI	Finding of No Significant Impact
FWS	Fish and Wildlife Service
HMGP	Hazard Mitigation Grant Program
JFO	Joint Field Office (formally DFO)
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NAGPRA	Native American Graves Protection and Repatriation Act of 1990
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Eliminate System
PDM	Pre-Disaster Mitigation
PDM-C	Pre-Disaster Mitigation Competitive Grant
SEMA	State Emergency Management Agency
SHPO	State Historic Preservation Officer
STATEX	Statutory Exclusion (under the Stafford Act)
THPO	Tribal Historic Preservation Officer

FREQUENTLY ASKED QUESTIONS ABOUT THE NATIONAL ENVIRONMENTAL POLICY ACT

What is NEPA?

NEPA is the National Environmental Policy Act. It is the federal law that requires federal agencies to go through a disclosure and decision making process regarding the environment whenever implementing projects.

Where can I find FEMA's regulations for implementing the NEPA?

FEMA regulations for implementing NEPA are in the Code of Federal Regulations, 44 CFR Part 10, Environmental Considerations. They can also be found on the internet.

Why do I have to comply with NEPA?

Four things generally trigger the NEPA requirements for a federal project; federal permits, federal funding, federal regulations, and land use changes to federal land. Since the Hazard Mitigation Grant Program (HMGP) is a federal grant program, compliance with NEPA is required.

What happens if I get an HMGP grant and don't comply with NEPA?

The possible consequences for non compliance with NEPA can be (in increasing severity): 1. Project delay; 2. Denial of funding and; 3. Lawsuits. Also, under certain circumstances, non compliance with the Federal Endangered Species Act could result in fines.

What are some of the environmental issues I should be concerned about with my project?

All projects are not the same and involve different resources. Generally speaking you should be concerned with biological resources, air, geology and soils, historic and archeological resources, socio economic issues, and water resources. Some guidance relative to various types of projects and their NEPA requirements is attached in VI. Environmental Documents. When in doubt, contact your state hazard mitigation office.

Do I have to comply with all of the environmental laws?

No. You only have to comply with those environmental laws and executive orders that would be applicable to your project. A checklist of those environmental laws that typically apply to FEMA funded projects is attached. This list however may not be all inclusive depending on your particular project. If you are not sure, seek advice from your state hazard mitigation office.

Do I have to write an Environmental Impact Statement (EIS) for my project?

Probably not. EISs are rare for FEMA funded projects. Typically your project will meet its NEPA requirements under one of FEMA's many Categorical Exclusions (CATEX) or an Environmental Assessment (EA).

If my project is Categoricalyl Excluded, does that mean it is excluded from the environmental laws?

No. It means your project is probably generic enough that it is excluded from the planning and disclosure requirements of NEPA. Compliance with the individual environmental laws such as Section 106 of the National Historic Preservation Act, the Endangered Species Act, the Clean Water etc. is still required.

Who should I contact when trying to meet the NEPA requirements for my project?

Attached is a list of Federal and State resource agencies you will probably contact depending on the particular laws or executive orders that might apply to you project. Also attached are sample letters. When in doubt, contact your state hazard mitigation office.

VI. Environmental Documents

The applicant **must** provide the following environmental documentation to FEMA before starting construction activity **or** jeopardize project funding.

The Following Types Of Projects Do Not Require Environmental Documentation:

- Development of Mitigation Plans
- Inspection and monitoring activities
- Studies involving only staff time and funding
- Training activities using existing facilities

Other projects require certain environmental documentation depending upon the project type and its potential effects on the physical, biological and built environment. The various types of projects and their required environmental documentation follow:

Warning Systems, Shutters, And Communication Projects

- Coordination from the State Historic Preservation Officer (SHPO) regarding cultural resources (archeological and historical). **Provide the SHPO with:**
 - a description of the project referencing structure/site addresses
 - a map of sufficient scale and detail that shows the project site and surrounding project area (Area of Potential Effects)
 - several original photographs of the project site and adjacent area/structures

Acquisition/Demolition And Elevation Projects Residential Sites Require

- Coordination from the State Historic Preservation Officer (SHPO) regarding cultural resources (archeological and historical). **Provide the SHPO with:**
 - a description of the project referencing structure/site addresses
 - a map of sufficient scale and detail that shows the project site and surrounding project area (Area of Potential Effects)
 - several original photographs of the project site and adjacent area/structures

Commercial/Industrial Sites also require:

- Coordination from the State Environmental Protection Agency (or equivalent) regarding hazardous waste and toxic materials.

Acquisition/Relocation Projects (Residential Only)
And
Stormwater Management Projects
(Road/Bridge/Culvert Repair, Detention Ponds And Drainage)

Coordination from the following Federal and State agencies:

- State Historic Preservation Officer (SHPO) regarding cultural resources (archeological and historical). ***Provide the SHPO with:***
 - several original photographs of the project site and adjacent area/structures
- State Environmental Protection Agency (or equivalent) regarding required permits for erosion and sediment control, stormwater management, water and air quality
- State Environmental Protection Agency (or equivalent) regarding hazardous and toxic materials
- U.S. Army Corp of Engineers District regarding Individual (404 Wetlands) Permit or approval under an existing Nationwide Permit
- U.S. Fish and Wildlife Service regarding Federal Threatened and Endangered Species
- State Fish and Game Agency regarding fish and wildlife
- State Natural Heritage Agency regarding State Threatened and Endangered Species

Provide the following documentation to each agency listed above:

- a description of the project referencing structure/site addresses
- a map of sufficient scale and detail that shows the project site and surrounding project area (Area of Potential Effects)

* See also - additional documentation section

Additional Documentation

- *If the project involves five or more acres of land* – provide a NPDES permit from the U.S. Environmental Protection Agency
- *If the project is located outside of town/city limits* - provide documentation from the USDA National Resource Conservation Service (Prime, Unique or other Important Farmlands).
- *If the project is located in a coastal area* - provide letters from the:
 - State Coastal Management Agency (Coastal Zone Management Act)
 - U.S. Fish and Wildlife Service (Coastal Barrier Resources Act and Coastal Barrier Improvement Act)
 - U.S. Dept. of Commerce National Marine Fisheries Service (Commercial fishing and breeding grounds)
- *If the project will affect any low-income or minority groups in the project area* – provide applicable Environmental Justice information (census, economics, housing and employment).

FEMA Can Provide Additional Environmental Technical Assistance. Your State Hazard Mitigation Officer Can Provide FEMA Environmental Points Of Contact.

Additional Documentation and/or Site Visits May Be Required For Final Environmental Review

ENVIRONMENTAL CHECKLIST

USE THE CHECKLIST TO CONTACT THE APPROPRIATE AGENCY,
ATTACH ALL AGENCY CONSULTATION LETTERS, AND FORWARD TO FEMA.

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>NATIONAL HISTORIC PRESERVATION ACT</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any structures involved in the project? (If so, provide construction dates of all structures)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was consultation with the State Historic Preservation Officer (SHPO) conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If applicable, was consultation with the Tribal Historic Preservation Officer (THPO) conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are comments attached?

Coordinating Agency: The State Historic Preservation Office; the appropriate Tribal Historic Preservation Officer

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>ARCHEOLOGICAL & HISTORICAL PRESERVATION ACT</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will there be any ground disturbance?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will there be any potential disturbance to cultural resources?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was consultation with SHPO/THPO conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are comments attached?

Coordinating Agency: The State Historic Preservation Office; the appropriate Tribal Historic Preservation Officer

<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>ENDANGERED SPECIES ACT</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will there be any disturbance to the physical environment?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any threatened or endangered species present in the project area?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has critical habitat been identified in the project area?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was consultation with U.S. Fish and Wildlife Service (USFWS) and State Wildlife Agency conducted?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are comments attached?

Coordinating Agencies: U.S. Fish and Wildlife Service and State Wildlife Agency

YES NO N/A FISH AND WILDLIFE COORDINATION ACT

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project located in or near a waterway or body of water? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will the project cause any modification to the waterway or body of water? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Was consultation with USFWS and State Wildlife Agency conducted? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are comments attached? |

Coordinating Agencies: U.S. Fish and Wildlife Service and State Wildlife Agency

YES NO N/A FARMLAND PROTECTION POLICY ACT

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the project located in or near designated prime and unique farmland? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will the project convert any designated prime or unique farmland? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Was consultation with Natural Resources Conservation Service (NRCS) conducted? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are comments attached? |

Coordinating Agency: U.S. Dept. of Agriculture's Natural Resources Conservation Service

YES NO N/A CLEAN AIR ACT

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will the project result in temporary or permanent air emissions? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Was consultation conducted? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are comments attached? |

Coordinating Agency: State Environmental Agency or State Health Department

**YES NO N/A CLEAN WATER ACT (Section 404)
RIVERS AND HARBORS ACT (Section 10)**

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will the project involve dredging, disposal of dredge material, excavation, adding fill material or result in any modification to "waters" of the U.S.? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will the project involve bank stabilization or installing transmission lines in "waters" of the U.S.? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will the project be near or in navigable waters? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Was consultation with the U.S. Army Corps of Engineers (USACE) conducted? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are comments attached? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Will a permit be required? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have you submitted an application to the USACE? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is a copy of the Section 404 application attached? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does a NATIONWIDE PERMIT apply? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does a GENERAL PERMIT apply? |

COMMENT: "Waters" of the U.S. include waters subject to ebb and flow of tide; wetlands; lakes, rivers, streams, mudflats, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments, tributaries, territorial seas, and wetlands adjacent to waters previously identified.

Coordinating Agency: U.S. Army Corps of Engineers

YES NO N/A OTHER RELEVANT LAWS AND ENVIRONMENTAL REGULATIONS

☐ ☐ ☐ Do any other laws and/or regulations apply to the project? If so, please reference and provide appropriate documentation.

Coordinating Agencies: Applicable State Statutory Requirements, Executive and Administrative Orders and any local environmental requirements

EXECUTIVE ORDERS

YES NO N/A E.O. 11988 – FLOODPLAIN MANAGEMENT

☐ ☐ ☐ Is the project located in a FEMA identified 100-year or 500-year floodplain?
☐ ☐ ☐ Is the project located in a FEMA identified floodway?
☐ ☐ ☐ Is the project depicted on a FEMA FIRM map?
☐ ☐ ☐ Is the map attached?
☐ ☐ ☐ Was consultation with the local floodplain administrator and the state water control agency conducted?
☐ ☐ ☐ Are comments attached?

Coordinating Agencies: Local community floodplain administrator and the state water control agency. A letter is required from the State Community Assistance Program Coordinator indicating the community is in good standing with the National Flood Insurance Program.

YES NO N/A E.O. 11990 – PROTECTION OF WETLANDS

☐ ☐ ☐ Is the project in an area that is inundated or saturated by surface or ground water (swamps, marshes, bogs, etc.) or in or near identified wetlands?
☐ ☐ ☐ Is the project depicted on a NWI map?
☐ ☐ ☐ Is the map attached?
☐ ☐ ☐ Was consultation with federal agencies conducted?
☐ ☐ ☐ Are comments attached?

Comment: Wetlands are identified by obtaining a National Wetlands Inventory (NWI) Map from the U.S. Fish and Wildlife Service, the Army Corps of Engineers, or their websites. The Natural Resource Conservation Service also has wetland maps for agricultural land.

Coordinating Agencies: U.S. Fish and Wildlife Service, Army Corps of Engineers, and Natural Resources Conservation Service

YES NO N/A E.O. 12898 – ENVIRONMENTAL JUSTICE

☐ ☐ ☐ Is the project located in an area of low income or minority populations?
☐ ☐ ☐ Will the project disproportionately impact any low income or minority populations?
☐ ☐ ☐ Is any socio-economic data attached?

Comment: If the project would disproportionately adversely affect low income or minority individuals, or would disproportionately assist higher income individuals at the exclusion of lower income or minority individuals, then E.O. 12898 must be addressed.

Coordinating Agency: Local census office

EXTRAORDINARY CIRCUMSTANCES (FEMA 44 CFR §10.8 (d)(3))

If Extraordinary Circumstances exist within an area affected by an action, such that an action that is categorically excluded from NEPA compliance may have a significant adverse environmental impact, an environmental assessment shall be prepared. Please check the "yes" or "no" box to answer the questions below.

YES NO

- | | | | |
|--------------------------|--------------------------|--------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (i) | Greater scope or size than normally experienced for a particular category of action; |
| <input type="checkbox"/> | <input type="checkbox"/> | (ii) | Actions with a high level of public controversy; |
| <input type="checkbox"/> | <input type="checkbox"/> | (iii) | Potential for degradation, even though slight, of already existing poor environmental conditions; |
| <input type="checkbox"/> | <input type="checkbox"/> | (iv) | Employment of unproven technology with the potential adverse effects or actions involving unique or unknown environmental risks; |
| <input type="checkbox"/> | <input type="checkbox"/> | (v) | Presence of endangered or threatened species or their critical habitat, or archaeological cultural, historical or other protected resources; |
| <input type="checkbox"/> | <input type="checkbox"/> | (vi) | Presence of hazardous or toxic substances at levels which exceed Federal, state, or local regulations or standards requiring action or attention; |
| <input type="checkbox"/> | <input type="checkbox"/> | (vii) | Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers; |
| <input type="checkbox"/> | <input type="checkbox"/> | (viii) | Potential for adverse effects on health or safety; and |
| <input type="checkbox"/> | <input type="checkbox"/> | (ix) | Potential to violate a federal, state, local, or tribal law or requirement imposed for the protection of the environment. |
| <input type="checkbox"/> | <input type="checkbox"/> | (x) | Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves. |

The above list of environmental statutes and Executive Orders is not **ALL INCLUSIVE**. Other laws may apply depending upon the project application. Some of these may be:

EPA-Section 402 of the Federal Clean Water Act-Sewage Disposal Discharge Permits

EPA-Section 313 of the Federal Clean Water Act-Stormwater Mgt. and Erosion Sediment Control-33-U.S.C.-1251-1387

EPA-Comprehensive Environmental Response, Compensation and Liability Act-(CERCLA) Hazardous Waste-42 U.S.C. 9601-9675

EPA-Underground Storage Tank Regulations

EPA-Federal Safe Drinking Water Act (SDWA)-42 U.S.C. 300f-300j-26

EPA-Resource Conservation and Recovery Act (RCRA)-42 U.S.C. 6901-6992k
EPA-Toxic Substances Control Act (TSCA)-15 U.S.C.-2601-2692
EPA-Pollution Prevention Act (PPA)-42 U.S.C.-13101-13109
EPA-Emergency Planning and Community right-To-Know Act of 1986 (EPCRA)-
42 U.S.C. 11001-11050

Section 4(f) of the Dept. of Transportation Act-Recreational Area/ Parkland/ Protected Land

Section 10 of the Rivers and Harbors Act-Navigable Waters

Native American Graves Protection & Repatriation Act of 1990

Applicable State & Local Requirements and Laws

PROJECT CONDITIONS AND ASSURANCES

Indicate by checking each box and signing below that you will adhere to the following project conditions.

- ☐ If during implementation of the project, ground-disturbing activities occur and artifacts or human remains are uncovered, all work will cease and FEMA and SHPO will be notified.
- ☐ If deviations from the approved scope of work result in design changes, the need for additional ground disturbance, additional removal of vegetation, or will result in any other unanticipated changes to the physical environment, FEMA will be contacted, and a re-evaluation under NEPA and other applicable environmental laws will be conducted by FEMA.
- ☐ If wetlands or waters of the U.S. are encountered during implementation of the project, not previously identified during project review, all work will cease and FEMA will be notified.

ALABAMA AGENCY CONTACTS

as of
November 1, 2005

HISTORIC PRESERVATION AND ARCHOLOGY

Alabama Historical Commission (SHPO)
Elizabeth Brown, Acting SHPO: 334-230-2642
Stacye Hathorn, Section 106 Review Lead: 334-230-2649
Amanda McBride, Archaeologist: 334-230-2692
Fax: 334-262-1083

THREATENED AND ENDANGERED SPECIES

United States Fish & Wildlife Service (USFWS)
Larry Goldman, Field Supervisor: 251-441-5870
FAX 251-441-6222
Barb Allen, Biologist: 251-441-5873
Darren LeBlanc, Biologist: 251-441-5859
Rob Tawes, Biologist: 251-441-5830

Alabama Department of Conservation and Natural Resources
Division of Wildlife and Freshwater Fisheries
Mark Sasser, (for project review): (334)242-3469

SOILS

Natural Resources Conservation Services
Charles Love, State Soil Scientist
Office: 334-887-4517

COASTAL ZONE MANAGEMENT

Alabama Dept of Environmental Management
Scott Brown, Coastal Section: 251-432-6533
Jennifer Robison, Field Officer: 251:432-6533

COASTAL BARRIERS RESOURCES ACT

United States Fish & Wildlife Service (USFWS)
Larry Goldman, Field Supervisor: 251-441-5870
FAX 251-441-6222

CLEAN WATER ACT-SECTION 404 PERMIT

United States Army Corp of Engineers (USACE) Mobile District
Troy Ephrain: 334-690-2658
Debra Archie: 251-694-3734
Susan Reese-Mobile Dist.: 251-694-4141

STATE DRAINAGE & CLEAN WATER PERMITS

Scott Brown (Mobile, Baldwin & Washington Counties): 251-432-6533

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
(NPDES)**

Alabama Department of Environmental Management-Water Division
James McIndoe: 334-271-7823

CLEAN AIR ACT

Alabama Department of Environmental Management
Lud Hoffmann: 334-271-7879

EXECUTIVE ORDER 11990 (Protection of Wetlands)

United States Army Corp of Engineers (USACE) Mobile District
Troy Ephrain: 334-690-2658
Debra Archie: 251-694-3734
Susan Reese-Mobile Dist.: 251-694-4141

Alabama Dept of Environmental Management
Scott Brown, Coastal Section: 251-432-6533
Jennifer Robison, Field Officer: 251-432-6533
Steve Jenkins, Solid Waste: 334-394-4304

EXECUTIVE ORDER 11988 (Floodplain Management)

Alabama National Flood Insurance Program (NFIP)
Chuck Sanders, Coordinator: 334-353-1966

EXECUTIVE ORDER 12898 (Environmental Justice)

Provide information on census, economics, housing and employment.
Will the project have a disproportional negative impact on minorities?

Environmental Laws and Executive Orders Overview

Public Law/ Executive Order	Description and Intent	FEMA Responsibilities	Administering Agencies
Laws with Requirements Specific to Federal Funding Agencies			
Costal Barrier Resources Act 16 U.S.C., 3501 et seq. 44 <i>CFR</i> 206 <i>Subpart J</i> , <i>DOI CBRA Advisory</i> <i>Guidelines</i>	<ul style="list-style-type: none"> Prohibits new Federal Expenditures or financial assistance for development within an established Coastal Barrier Resources System unit or zone. Protects ecologically sensitive coastal barriers along U S Atlantic, Gulf and Great Lakes coasts. 	<ul style="list-style-type: none"> Review all actions for compliance with CBRA limitations/requirements Consult with USFWS for exempted actions 	<ul style="list-style-type: none"> U S Fish and Wildlife Service Field Office
Coastal Zone Management Act 16 U.S.C., 1451 et seq. 15 <i>CFR Part</i> 923 and <i>Part</i> 930, <i>Subpart D</i>	<ul style="list-style-type: none"> Requires Federal agencies conducting or supporting projects affecting the coastal zone to conduct/support those activities to the maximum extent possible in a manner consistent with the State's approved coastal management plan. Requires consistency determination for federal action Action taking entity required to obtain permit from State coastal resource management agency or office 	<ul style="list-style-type: none"> Obtain a Consistency Determination, either directly from State agency (or, in some states, fulfill consistency requirement by obtaining copy of applicant's approved Coastal Zone Permit) 	<ul style="list-style-type: none"> State Office of Coastal Management National Oceanic and Atmospheric Administration
Comprehensive Environmental Response Compensation and Liability Act 42 U.S.C. § 9601 <i>ASTM E1527-97</i>	<ul style="list-style-type: none"> Establish Super Fund, National Priorities List (NPL) of hazardous waste sites targeted for cleanup Establish legal framework (and precedents) for liability for owners, operators, and financiers of activities affecting contaminated sites 	<ul style="list-style-type: none"> Applicant <i>and</i> FEMA are potentially liable and should review actions that may involve contaminated sites Consult with applicable State and/or Federal agencies 	<ul style="list-style-type: none"> State agencies with jurisdiction over hazardous waste, storage tanks, contaminated sites U.S. EPA
Endangered Species Act 16 U.S.C., 1531 et seq. 50 <i>CFR Part</i> 402, 450, 451, 452, and 453	<ul style="list-style-type: none"> Prevents or requires modification of projects that could jeopardize endangered/threatened species and/or destroy or adversely modify their critical habitat. Section 7 requires Federal Agency to consult with USFWS and/or NMFS as applicable 	<ul style="list-style-type: none"> Consult with USFWS and/or NMFS when there may be an effect on protected species or their habitat Carry other requirements resulting from consultation(s) Coordinate compliance with Fish and Wildlife Coordination Act, Magnuson-Stevens Act, Marine Mammal Protection Act, and Migratory Bird Treaty Act 	<ul style="list-style-type: none"> U.S. Fish and Wildlife Service Field Office National Marine Fisheries Service Applicable State Agencies for State Protected Species and Their Habitat

Public Law/ Executive Order	Description and Intent	FEMA Responsibilities	Administering Agencies
Farmland Protection Policy Act 7 U.S.C., 4201 et seq. 7 <i>CFR</i> 658	<ul style="list-style-type: none"> Requires Federal agencies to consider the adverse effects of their projects on farmlands (including the extent to which prime, unique, and other farmland (of Statewide or local importance) will be affected). 	<ul style="list-style-type: none"> Consult with USDA NRCS Complete Farmland Conversion Form for actions affecting farmland outside incorporated areas (e.g., towns, cities) FEMA makes its own determination 	<ul style="list-style-type: none"> USDA Natural Resource Conservation Service State Office State agencies for soils (e.g., soil and water conservation districts)
Fish and Wildlife Coordination Act 16 U.S.C., 661 et seq. <i>No regulations</i>	<ul style="list-style-type: none"> Requires Federal agencies to consider the effects that projects may have on fish and wildlife resources, take action to prevent loss or damage to these resources, and support the development or improvement of these resources Protects fish and wildlife when Federal actions result in the control or modification of waterways, water bodies, or associated wetlands 	<ul style="list-style-type: none"> Consult with USFWS and/or NMFS for actions in, near, or potentially affecting wetlands, waterways, or water bodies 	<ul style="list-style-type: none"> U.S. Fish and Wildlife Service Field Office National Marine Fisheries Service
National Environmental Policy Act 42 U.S.C.A., 4321 40 <i>CFR Parts 1500-1508</i> <i>(CEQ)</i> 44 <i>CFR Part 10 (FEMA)</i>	<ul style="list-style-type: none"> Requires Federal agencies to use a multidisciplinary process to independently evaluate and provide environmental impact information to federal decision makers, State, tribal and local offices and the affected public before making decisions on major Federal actions that may significantly affect the environment NEPA requires a decision-making process and documentation (not a specific outcome) Agency must involve public in actions that may have significant adverse impacts 	<ul style="list-style-type: none"> Implement NEPA process and document NEPA review (including public involvement) Applicant and FEMA must consider practicable alternatives when a project may adversely affect or conflict with resources Non-federal Applicants can prepare NEPA documents, however FEMA is responsible for final document completeness, correctness, and approval or denial. 	<ul style="list-style-type: none"> President's Council on Environmental Quality
National Historic Preservation Act 16 U.S.C., 470 et seq. 36 <i>CFR Parts 60, 61, 63, 68, 79, and 800</i>	<ul style="list-style-type: none"> Requires Federal agencies to "take into account" the impact of their actions on historic properties listed (or eligible for listing) on the National Register for Historic Places 	<ul style="list-style-type: none"> Consult with State Historic Preservation Officer (and Advisory Council on Historic Preservation if needed) and provide an opportunity to comment on undertakings that may affect historic properties FEMA and Applicant must consider alternatives FEMA makes its own determination Implement required conditions to mitigate adverse effects 	<ul style="list-style-type: none"> State Historic Preservation Officer Tribal Historic Preservation Officer Advisory Council on Historic Preservation National Park Service

Public Law/ Executive Order	Description and Intent	FEMA Responsibilities	Administering Agencies
Wild and Scenic Rivers Act 16 U.S.C., 271 et seq. 36 CFR Part 297, Subpart A	<ul style="list-style-type: none"> Prohibits Federal Agencies from assisting projects having direct, adverse effects on rivers listed in the National Wild Scenic River System (or under study for inclusion in the system) 	<ul style="list-style-type: none"> Consult with managing agency for designated river affected by FEMA funded action 	<ul style="list-style-type: none"> National Park Service Managing agency for that river
Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Wetland Protection) 44 CFR Part 9	<ul style="list-style-type: none"> Requires Federal agencies to avoid, to the fullest extent possible, long- and short-term adverse impacts on floodplains and wetlands 	<ul style="list-style-type: none"> Implement/document 8 step decision making process Consider practicable alternatives to actions in or affecting floodplains and/or wetlands Implement mitigation measures Notify public of actions and decision Coordinate compliance with CWA Section 404 FEMA makes its own determinations 	<ul style="list-style-type: none"> FEMA USACE-FWS (wetlands)
Executive Order 12898 (Environmental Justice)	<ul style="list-style-type: none"> Requires fair treatment of all ethnic and income groups regarding public health and environmental effects from agency laws, regulations, policies, programs, and projects. Requires Federal agencies to address applicable environmental justice concerns 	<ul style="list-style-type: none"> Assess and mitigate highly disproportionate and adverse impacts on minority or low-income populations Conduct public notice and involvement with affected populations FEMA makes its own determinations 	<ul style="list-style-type: none"> None
Laws with Requirements Jointly Applicable to Action Entities (Applicants) and Federal Funding Agencies			
Clean Water Act – Section 404 (Wetlands) 33 U.S.C., 1251-1387. 33 CFR Part 3300	<ul style="list-style-type: none"> Establish permit requirements for action entity (FEMA Applicant) to prevent unauthorized obstruction (or alteration) of “waters of the United States” Section 404 focuses on the need to obtain a permit to discharge dredged or fill materials into U.S. waters Implemented in conjunction with Rivers and Harbors Act – for actions that may affect navigable waterways 	<ul style="list-style-type: none"> Applicant has primary responsibility FEMA, where beneficial, facilitates Applicant compliance requirements Coordinate with EO 11990 compliance process 	<ul style="list-style-type: none"> Authorized State agency U.S. Army Corps of Engineers district U.S. Coast Guard for RHA

Public Law/ Executive Order	Description and Intent	FEMA Responsibilities	Administering Agencies
Clean Water Act – Sections 313, 401 and 402 (Water Quality) 33 U.S.C., 1251-1387. <i>33 CFR</i>	<ul style="list-style-type: none"> • Applies to action taking entity (FEMA applicant) • Section 313 – storm water management requirements • Section 401 – water quality certification (or waiver) required for any discharge regulated under Section 404. (Varies considerably by state) • Section 402 – limits pollutant quantities that may be discharged into surface waters by industries and municipalities (e.g., a sewage treatment plant) National Pollution Discharge Elimination System (NPDES) discharge permits may be required from EPA or the state 	<ul style="list-style-type: none"> • Applicant has primary responsibility • FEMA, where beneficial, facilitates • Applicant compliance requirements 	<ul style="list-style-type: none"> • State agency for water quality in states with delegated regulatory responsibility (otherwise U.S. EPA)
Resource Conservation and Recovery Act 42 U.S.C., 6922 <i>40 CFR, Parts 240-282</i>	<ul style="list-style-type: none"> • Governs the management of solid and hazardous wastes and underground storage tanks • Action entity must assess the adverse effects that debris, debris removal, hazardous wastes, and hazardous waste clean-up projects may have on air and water quality, and on public and other environmental health, and take actions to prevent degradation • May be required to obtain permit or approval from State agency governing solid waste and storage tanks • Provides for planning requirements in disposal and recycling of debris 	<ul style="list-style-type: none"> • Monitor debris operations and coordinate with action entities to recycle waste materials • Applicant has primary responsibility for compliance with permitting and specific regulatory requirements • FEMA facilitates Applicant's compliance requirements and cooperation among multiple agencies involved in regulating debris operations 	<ul style="list-style-type: none"> • State agencies with delegated authority (otherwise, U.S. EPA; Office of Solid Waste)
Clean Air Act 42 U.S.C., 7401-7671	<ul style="list-style-type: none"> • Requires protection and enhancement of the nation's air resources • Review and permitting requirements for action entities • Implemented through State plans, regulations and agencies 	<ul style="list-style-type: none"> • Applicant has primary responsibility • FEMA, where beneficial, facilitates • Applicant's compliance requirements 	<ul style="list-style-type: none"> • State agency with delegated authority (otherwise, U.S. EPA)

APPLICANT'S LETTERHEAD

U. S. Army Corps of Engineers
Attn: Regulatory Branch, Mr. Arthur Hosey
P. O. Box 2288
Mobile, AL 36628-0001

RE: Corps of Engineers Concurrence – FEMA Hazard Mitigation Grant Program,
Etowah County – Drainage Improvements

Dear Mr. Hosey,

The _____ is seeking assistance from the Federal Emergency Management Agency under the Hazard Mitigation Grant Program to address continuing flooding in the area of _____ (see attached maps). The City is proposing to construct drainage improvements on existing rights-of-way consisting of the demolition and removal of the existing undersized drainage pipes, the installation of box culverts, wing-walls, parapets, and aprons, and the reclamation and repair of the City streets and residential driveways which will be impacted by the construction. No existing receiving streams will be impacted by the proposed construction, and there will be no impact at all on the _____

To obtain Federal FEMA funding, coordination of the project with the US Army Corps of Engineers is essential. If you require any additional information regarding this project please do not hesitate to call me at (256) 237-6741.

If I or the East Alabama Commission may be of further assistance, please advise.

Sincerely,

SAMPLE LETTER ONLY

APPLICANT'S LETTERHEAD

Ms. Stacey Hathorn
Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130-0900

RE: Alabama Historical Commission Concurrence – FEMA Hazard Mitigation Grant
Program, Drainage Improvements

Dear Ms. Hathorn,

The _____ is seeking assistance from the Federal Emergency Management Agency under the Hazard Mitigation Grant Program to address continuing flooding in the area of _____ (see attached maps). The City is proposing to construct drainage improvements on existing rights-of-way consisting of the demolition and removal of the existing undersized drainage pipes, the installation of box culverts, wing-walls, parapets, and aprons, and the reclamation and repair of the City streets and residential driveways which will be impacted by the construction.

I have enclosed photographs showing representative houses in the project area. This proposed project area is subject to repetitive flooding, resulting in both property and structural damage. To obtain Federal funding, coordination with the Alabama Historical Commission is essential. If you require any additional information regarding this project please do not hesitate to call me at (256) 237-6741.

If I or the East Alabama Commission may be of further assistance, please advise.

Sincerely,

SAMPLE LETTER ONLY